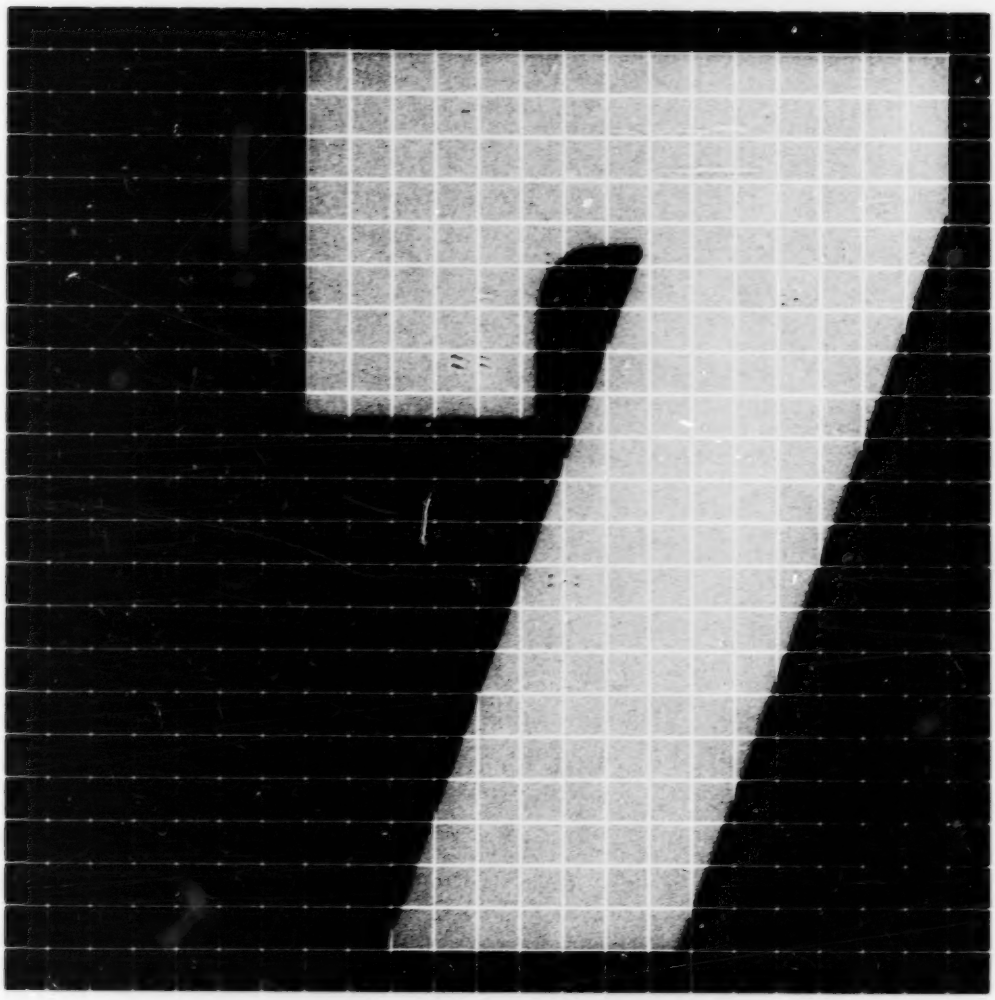
Blueprint for Waste Management in Ontario

Appendix 7

Proposed Revisions to Regulation 313



Ontario

Ministry of the Environment

Hon. Keith C. Norton, Q.C., Minister

Gérard J. M. Raymond, Deputy Minister

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This is one of 11 appendices to the Blueprint for Waste Management. A complete list is presented on the inside of the back cover.

For copies of the Blueprint or other appendices, please contact:

Mr. T.D. Armstrong
Blueprint Co-ordinator
c/o Waste Management Branch
Ontario Ministry of the Environment
135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

APPENDIX 7
PROPOSED REVISIONS TO REGULATION 313

This Appendix outlines a proposed revision to the waybill system controlling the transfer of hazardous and liquid industrial wastes as well as site-specific wastes.

In addition to expanded application of the program to more categories of waste, it is also proposed to improve and refine the waybill system in light of experience with the current program. One proposal involves increased responsibility on the generator of waste. Comments are invited.

This paper contains recycled fibre.

APPENDIX 7

PROPOSED REVISIONS TO REGULATION 313 (Formerly 926/76)

UNDER THE ENVIRONMENTAL PROTECTION ACT

TRANSFER OF LIQUID INDUSTRIAL WASTE,
SITE-SPECIFIC WASTE AND HAZARDOUS WASTE

1. (1) In this regulation:

(a) "Carrier" means any person, who, by virtue of ownership, management, control or operation is engaged in the transportation of waste;

(b) "Director" means the Director of the Waste Management Branch of the Ministry;

(c) "Generator" means any person, by site, who, by virtue of ownership, management, operation or control, causes or allows to cause the creation or storage of waste;

(d) "Hazardous waste" (see "Interim Guideline for the Interpretation of the Hazardous Waste Definition");

(e) "Site-Specific waste" (see "Interim Guideline for the Interpretation of the Hazardous Waste Definition");

(f) "Waybill" means Ministry form No. _____ in six parts as provided by the Ministry, including an original copy in white and five copies coloured, in sequence, green, yellow, pink, blue and brown, all of which are marked respectively, "Ministry's copy" No. 1, "Generator's copy" No. 2, "Ministry's copy" No. 3, "Carrier's copy" No. 4, "Receiver's copy" No. 5 and "Generator's copy" No. 6;

(g) "Liquid industrial waste" means waste that results from industrial processes or manufacturing or commercial operations, and has a slump more than 150 mm. when tested by the slump test method as prescribed in the attachment to this appendix;

but does not include:

(i) waste from the operation of a sewage system subject to the provisions of Part VII of the Act or the operation of a holding tank to which regulations made under clause (a) or (b) of subsection 3 of Section 136 of the Act apply;

(ii) waste from the operation of a sewage works subject to the Ontario Water Resources Act where the principal wastes entering the works are from human origin;

(iii) waste that is generated or removed for treatment, storage or disposal in an amount less than 25 litres per month by a generator;

(iv) waste directly discharged by its generator from the site where the waste is generated into municipal sanitary sewage works in accordance with applicable by-laws or into a sewage system, as defined in Part VII of the Act, that is being operated in accordance with the Act;

(v) "recyclable material" as defined in O Reg 309;

(vi) waste that results directly from the processing and preparation of food;

(vii) "inert liquid waste" as defined in O Reg 309;

(viii) drilling fluids and produced waters associated with the exploration, development or production of crude oil or natural gas;

(ix) "processed organic waste" as defined in Ontario Regulation 309;

(x) waste from the operation of motor vehicle service facilities;

(xi) "asbestos waste".

(h) "Receiver" means any person who by virtue of ownership, management, control or operation is engaged in the receiving of waste;

(i) A "site" means:

(a) the same geographically contiguous property or properties owned by the same generator which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right-of-way, or;

(b) Non-contiguous properties owned by the same generator but connected by a right-of-way which he controls and to which the public does not have access.

(2) Liquid industrial waste, site-specific waste and hazardous waste are designated as wastes in addition to those wastes specified in clause (d) of section 24 of the Act.

2. No generator shall permit liquid industrial waste, site-specific waste or hazardous waste to pass from his control and to leave the site where it is produced or stored except by transfer of the waste to a carrier operating under a certificate of approval issued by the Ministry for the type of waste being hauled.

3. Where liquid industrial waste, site-specific waste or hazardous waste is transferred to a carrier from a generator,

(1) The carrier shall, for each truckload or less to be transferred, complete section B (Carrier) of an intact waybill and give the intact waybill, at the time of the transfer, to the generator;

(2) The generator, for each truckload or less to be transferred, shall obtain from the carrier an intact waybill completed as required by subsection (1), and shall;

(a) at the time of the transfer, complete section A (Generator) of the intact waybill,

(b) remove the white copy of the waybill (Ministry's copy No. 1) and forward it within three working days of the transfer to the Director,

(c) remove the green copy of the waybill (Generator's copy No. 2) and retain it for a period of 2 years,

(d) return the remaining four copies of the waybill to the carrier at the time of the transfer,

(e) retain the brown copy of the waybill (Generator's copy No. 6) for a period of two years when it is returned from the receiver in accordance with section 6(5).

4. (1) No carrier shall permit liquid industrial waste, site-specific waste or hazardous waste to pass from his control except by transfer of the waste to:

(a) a receiver to whom a certificate of approval for that type of waste has been issued by the Ministry; or

(b) a receiver to whom a special receiver number for that type of waste has been issued by the Ministry; or

(c) a sewage works under the Ontario Water Resources Act for which an approval under the Act has been issued and with the approval of the owner of such sewage works.

5. Where a transfer of liquid industrial waste, site-specific waste or hazardous waste takes place pursuant to section 4, the carrier shall give the receiver at the time of the transfer the remaining four parts of the waybill completed in accordance with section 3 for that load of waste.

6. Where a transfer of liquid industrial waste, site-specific waste or hazardous waste takes place pursuant to section 4, the receiver shall obtain from the carrier at the time of the transfer the remaining four parts of the waybill completed in accordance with section 3 for that load of waste and shall,

   (1) at the time of transfer, complete section C (Receiver) of the remaining four parts of the waybill,

   (2) remove the yellow copy of the waybill (Ministry's copy No. 3) and forward it within three working days of the transfer to the Director,

   (3) return the pink copy of the waybill (Carrier's copy No. 4) to the carrier at the time of the transfer,

   (4) retain the blue copy of the waybill (Receiver's copy No. 5) for a period of two years,

   (5) forward the brown copy of the waybill (Generator's copy No. 6) to the generator within three working days of the transfer.

7. Where the receiver of the waste returns the pink copy of the waybill (Carrier's copy No. 4) to the carrier pursuant to subsection (3) of section 6, the carrier shall retain that copy for a period of two years.

8. No carrier shall accept a transfer of liquid industrial waste, site-specific waste or hazardous waste from a generator outside of Ontario for the purposes of transport to a receiver in Ontario unless the generator provides him with the generator's identification number issued by the Ministry, and complies with subsection 2 of section 3.

9. Where a carrier transfers liquid industrial waste, site-specific waste or hazardous waste to a receiver located outside the Province of Ontario;

(1) the carrier shall, at the time of transfer, provide the receiver with the remaining four parts of the waybill completed in accordance with section 3 for that load of waste;

(2) the carrier shall ensure that the receiver completes section C (Receiver) of the remaining four parts of the waybill, retains the blue copy of the waybill (Receiver's copy No. 5) and returns the remaining three parts to the carrier; and

(3) the carrier shall distribute copies No. 3, 4 and 6 of the waybill in accordance with section 6.

10. (1) Where liquid industrial waste, site-specific waste or hazardous waste is refused for disposal by the intended receiver, the generator of such waste shall take back the waste for safe storage until a suitable alternative receiver has agreed to accept the waste.

(2) Where the generator takes back the waste under subsection (1), the generator shall act as a receiver and shall, at the time of transfer,

(a) indicate on the remaining four parts of the waybill that the waste was refused by the receiver,

(b) return the pink copy of the waybill (Carrier's copy No. 4) to the carrier,

(c) remove the yellow copy of the waybill (Ministry's copy No. 3) and forward it within three working days of the transfer to the Director, and

(d) retain the blue copy (Receiver's copy No. 5) and the brown copy (Generator's copy No. 6) of the waybill for a period of 2 years.

(3) Upon refusal of the waste, the intended receiver shall submit a "refusal report" to the Director within five working days, indicating the waybill number, the generator's identification number, the carrier's Waste Management System number and the reason for refusal.

11. (1) No carrier shall have in his possession liquid industrial waste, site-specific waste or hazardous waste unless he has in his possession and accompanying the waste, a waybill in respect of such waste completed in accordance with section 3.

(2) Subsection (1) does not apply where the waste is generated outside the Province of Ontario and is transported by a carrier through Ontario to a receiver outside the Province of Ontario, and the carrier has in his possession and accompanying the waste a waste manifest document equivalent to the waybill issued by an appropriate authority.

12. (1) A carrier shall obtain blank intact waybill forms from the nearest Regional or District office of the Ministry for his own use.

(2) No carrier shall give, sell or lend to another carrier any blank intact waybill form assigned to him by the Ministry.

(3) No carrier shall borrow or use blank intact waybill forms assigned to another carrier by the Ministry.

(4) Where a carrier ceases to operate as a carrier of liquid industrial waste, site-specific waste or hazardous waste in Ontario he shall immediately return to the Ministry all remaining unused intact waybill forms assigned to him.

13. (1) The intact waybill form shall remain the property of the Ministry at all times. The Director may at any time give written notice to a carrier requiring that all or any unused waybill forms assigned to that carrier be returned to the Ministry. Upon receiving such notice, the carrier shall immediately surrender all or any unused waybill forms in his possession to an official of the Ministry.

(2) A carrier shall return to the Ministry any void or spoiled waybill form, within three working days from the time the form is voided or spoiled, and shall indicate the reason why the form was voided.

14. (1) Where a carrier employs the service of a second carrier for the transportation of liquid industrial waste, site-specific waste or hazardous waste, the original carrier shall ensure that the second carrier also holds a current certificate of approval issued by the Ministry and, the name and the number of the certificate of approval of the second carrier shall be used on the waybill form for the transaction.

(2) The second carrier shall use his own waybill form assigned to him by the Ministry for the purpose of subsection 1.

15. No carrier shall transfer liquid industrial waste, site-specific waste or hazardous waste from one vehicle to another vehicle unless such transfer is made at a facility to which a certificate of approval has been issued by the Ministry for the purpose.

16 (1) A generator is exempt from section 27 of the Act in respect of the collection, handling and temporary storage of liquid industrial waste, site-specific waste or hazardous waste at the site where it is produced.

(2) The exemption in subsection 1 does not apply where the waste is a product of a waste carrier or a waste receiver.

ATTACHMENT TO APPENDIX 7 TO THE BLUEPRINT

A TEST METHOD FOR THE DETERMINATION OF "LIQUID" INDUSTRIAL WASTE (SLUMP TEST)

SCOPE

This test method covers the procedure to be used for determining slump of waste material under the definition of Liquid Industrial Waste. This method is largely based on Canadian Standards Association Test Method A23.2-5C, Slump of Concrete. It may be used in both laboratory and the field.

APPARATUS

The apparatus shall consist of the following:

(a) Mould - The test specimen shall be formed in a mould made of metal not thinner than 1.5 mm, not readily attached by the waste material to be tested and in the form of the lateral surface of the frustrum of a cone with the base 200 mm in diameter, the top 100 mm in diameter, and the height 300 mm. The base and the top shall be open and parallel to each other and at right angles to the axis of the cone.

(b) Tamping Rod - The tamping rod shall be a round, straight, steel rod 16 mm in diameter and approximately 600 mm in length, having one end rounded to a hemispherical tip the diameter of which is 16 mm.

SAMPLE

The sample of waste material shall be representative of the load or waste stream.

PROCEDURE

The test must be carried out at a temperature of not less than 10°C. Dampen the mould with water and place it on a flat, rigid, non-absorbent but moist surface. It shall be held firmly in place during filling by the operator standing on the two foot pieces. From the sample of the material obtained, fill the mould in three layers, each approximately one-third the volume of the mould, as follows:

1. Put 1st (bottom) layer in mould to a depth of 70 mm.

2. Rod 1st layer with 25 strokes of the tamping rod. For the 1st layer, it will be necessary to incline the rod slightly so as to make approximately half the strokes around the perimeter and then progress with vertical strokes in the centre portion.

3. Put 2nd (middle) layer in mould to a cummulative depth of 160 mm.

4. Rod as before, 25 times with the strokes just penetrating the surface of the 1st layer.

5. Heap 3rd (top) layer above top edge of mould.

6. Rod as before, 25 times with the strokes just penetrating the surface of the 2nd layer. If the rodding results in subsidence of the material below the top edge of the mould, add additional material to keep an excess of material above the top at all times.

7. When rodding of the 3rd layer is completed, remove the excess material above the top of the mould by means of a screeding and rolling motion of the tamping rod.

8. Remove spilled material from the base of the mould.

Immediately following steps 7 and 8, and using the handles, lift the mould vertically in a steady upward motion that should be completed in approximately 5 seconds. Avoid any lateral or torsional motion during this procedure.

Note:

The entire operation of filling, tamping and removal of the mould should be completed within an elapsed time of two (2) minutes.

MEASUREMENT OF SLUMP

Slump shall be determined immediately after removal of the mould by measuring the difference between the height of the mould and the average height of the top surface of the material after subsidence. Slump specimens that break or slump laterally give incorrect results. For this condition, the test shall be repeated with a new sample.

Notes:

1. If two consecutive tests on sample material show a falling-away or shearing-off of a portion of the material from the mass of the specimen, the material probably lacks necessary pasticity and cohesiveness for the slump test to be applicable.

2. Duplicate slump tests from the same material sample should not vary by more than 10 mm.

REPORT

Record the slump in millimetres to the nearest 10 mm of subsidence.

RESULT

Any waste tested that records a slump of more than 150 mm is classified as liquid waste.

Schedule of Appendices

1. Waste Management Consultation Session Report
2. Waste Reduction, Reuse, Recycling and Recovery Report
3. Perpetual Care Program Report
4. Interim Guideline for the Interpretation of the Hazardous Waste Definition (Regulation 309)
5. Legislative Implications of the Blueprint for Waste Management
6. Proposed Revisions to Regulation 309
7. Proposed Revisions to Regulation 313
8. Proposed Generator Regulation
9. Terms of Reference for a Waste Management Master Plan
10. Solid Waste Management Cost Accounting Summary Report
11. Proposed Regulation Under the Environmental Assessment Act Regarding Private Waste Disposal Sites